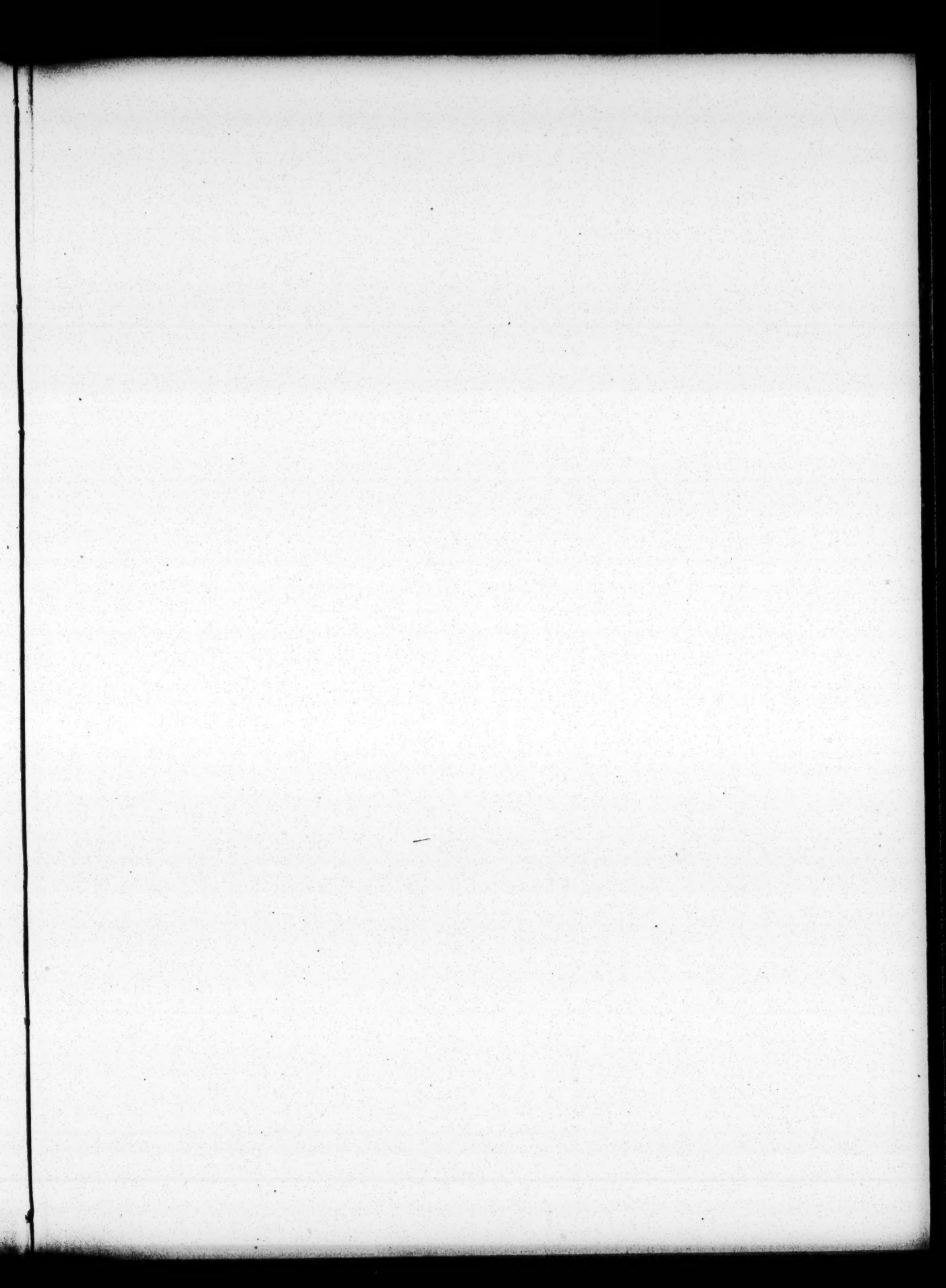
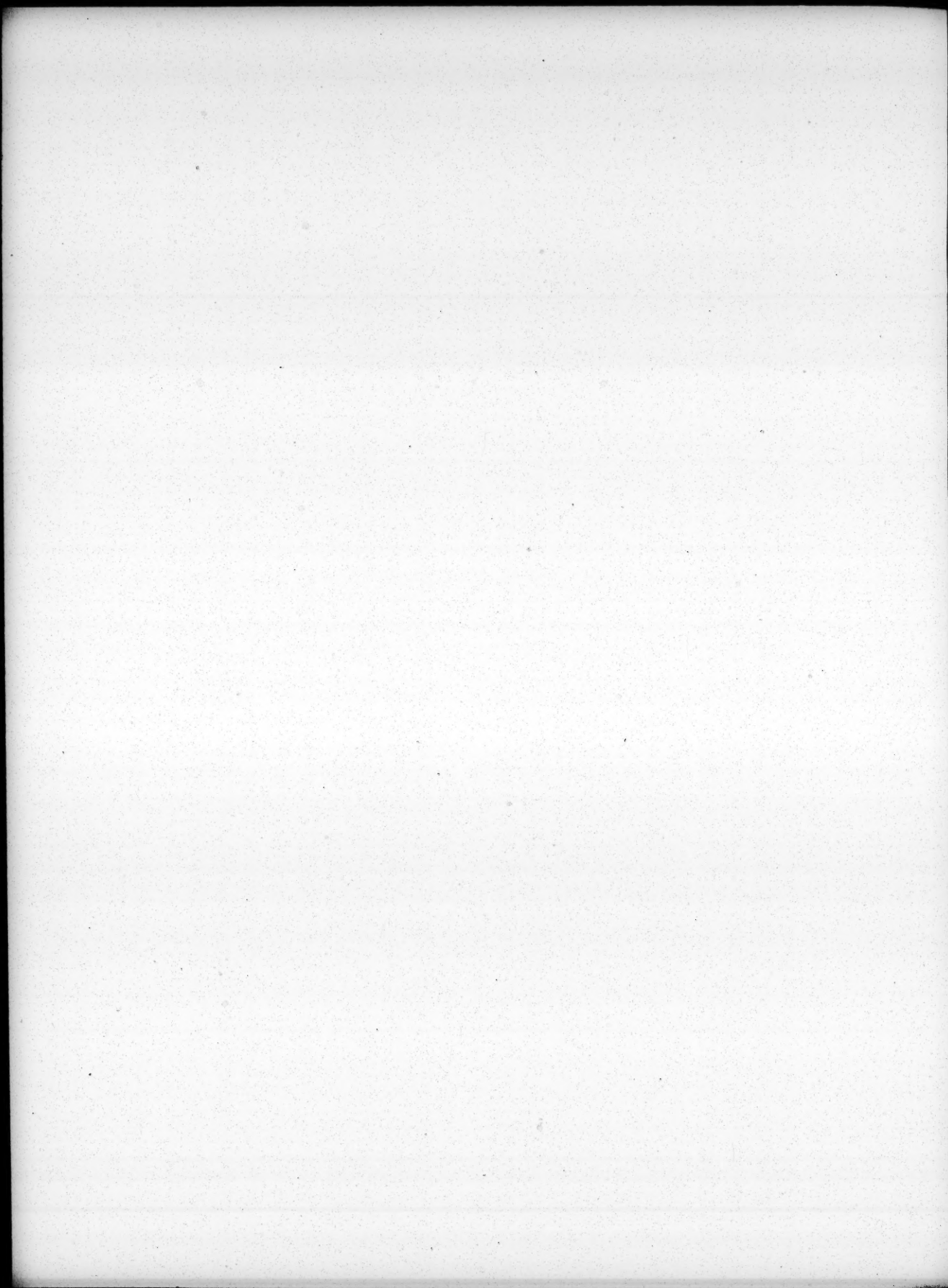


EDMUND H. GARRETT 1917 OPVS 20





45/68

THE REBELLS CATECHISME.

COMPOSED IN AN EASY
and Familiar way;

To let them see,
The Hainousnesse of their Offence,
the weaknesse of their Strongest Subter-
fuges; and to recall them to their
duties, both to God and Man.

ROM. 13. 2.

*Whosoever resisteth the Power, resisteth the Ordinance of
God; and they that resist, shall receive to themselves
Damnation.*

Printed, 1643.

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JUNE 1, 1916



To the Christian Subject.

R EADER, thou must not look for all things new, in a Poynt so agitated, so thoroughly discussed and canvassed as this hath been. Tis well if they who come behind both in time, and knowledge, adde any thing though it be but little, unto those before them. All I shall promise thee in this short discourse, is that I have contracted into a narrow compasse, what I found scattered and diffused in many & those larger Tractates: which I have offered to thy view in a more easy and familiar way then hath been formerly presented. And some thing thou shalt meet with here, which thou hast not found in any other discourses of this argument, besides the fashion and the dresse. These are the most prevailing motives I can lay before thee, to tempt thee to the studying of this Catechisme: which if it shall confirme thee in thy duty unto God and the King, or reclaim thee from thy disaffections unto either of them, it is all I aime at. And so fare thee well.

January 25. 1643.



THE REBELLS CATECHISME.

Composed in an Easy and Familiar way,
To let them see, the heinousnesse of their
Offence, the weaknesse of their strongest
*Subterfuges, & to recall them to their
duties both to God and Men.*

a First part of
the Homily
against Re-
bellion.

Question. Who was the first Author of Rebellion?
A. The first Author of Rebellion ^a the root of
all Vices, and the mother of all mischiefe, (saith the
book of Homilies) was **LUCIFER**, first Gods
most excellent creature, and most bounden Subject,
who by Rebelling against the Majesty of God, of the brightest and
most glorious Angell, became the blackest and most fowlest fiend
and Divell, and from the height of Heaven is fallen into the pit
and bottom of Hell.

2. **Q.** How many sorts of Rebellion are there?

A. Three most especially, that is to say, the Rebellion of the
Heart, the Rebellion of the Tongue, and the Rebellion of the
Haud.

3. **Quest.** What is the Rebellion of the Heart?

Ans. The Rebellion of the Heart, is a rancorous swelling of
the

the *Heart* against the authority and commands of the supream power under which we live: which though it be so cunningly suppressed and smothered, that it break not out either into words or deeds, yet makes a man guilty of *damnation* in the sight of God And this is that of which the *Wiseman* tells us saying, *Curse not the King, no not in thy thought, for a bird of the aire shall carry the voyce, and that which hath wings shall tell the matter.* Eccles. 10. v. 20.

4. *Quest.* What is the *Rebellion* of the *Tongue*?

Ans. The *Rebellion* of the *tongue*, is a malicious defaming of the person, actions, parts, and government of those Sovereigne Princes to which the Lord hath made us *subject*, of purpose to disgrace them amongst their people, to render them odious and contemptible, and consequently to excite their Subjects to rise up against them. Of this it is whereof the Lord God commanded saying, *thou shalt not speake vill of the Ruler of thy People;* *Exod. 22. 28.* acknowledged for a divine precept by *S. Paul,* *Acts 23. 5.* See to this purpose also that of *Soloman,* *Prov. 24. v. 21.* where it is said, *It is not fit to say unto a King thou art wicked;* And if it be not fit to *speake vill* to him, assuredly it is as unfit to *speake vill* of him. And finally of this it is that *Aristotle* the Philosopher tells us saying, *Ὁ κακηγορεῖν τὸ ἀρχόντα, εἰς τὴν πόλιν ὑβρίζει*, he that speaks vill of the Magistrate offends against the Common-wealth. But I must let you know withall, that though this of the *tongue* be a distinct species of *Rebellion*; and so judged in *Law*: yet many times this and the other of the *heart*, are but the ground and preparations to the *Rebellion* of the *hand*, or actual *Rebellion*, as they call it commonly. And this appears most plainly in the story of *Absolon*, whose *heart* first swelled against his Father, for being so difficult in restoring him to his *Court* and *Presence*, upon the murder which he had committed on his brother *Ammon*, (2. *Sam. 14. v. 24, 28.*) and his *tongue* found the way to disgrace his government, which he accused of *negligence* and *injustice*, to the common-people (2. *Sam. 15. v. 23. &c.*) before he blew the trumpet, and took armes against him; and made him flee with some few servants, from the Royall City, v. 14. But here we take it not for a preparation, but

Aristot. in Problem. sect. 40.

for

for a *species* distinct, as before was said.

5. *Quest.* Why do you call the *swellings* of the heart, and the *revilings* of the tongue by the name of *Rebellion*, considering that the Law which punisheth *Rebellion* with no lesse then death, doth take no cognizance of mens *thoughts*; and that when ^cGervase *Shelvey* of *Sandwich* said lately to a Gentleman of that Towne that if the King came thither he would shoot the Rogue, for which he was imprisoned by the Major now being, it was resolved by the *High Court of Parliament*, that these words were but a *misdemeanour*; and so he was releated again.

Ans. The house of *Commons*, which you call the *high Court of Parliament*, did not so much deliver their judgement in the case aforesaid, as betray their disaffection in it to His Majesty, whose Person they endeavour to destroy that they may keep his power still amongst themselves. Or if they did, it was a very false and erroneous judgement, directly contrary unto the resolution of my Lords the Judges, and other Sages of the Law in all former Ages, ^d by whom it is affirmed expressly, that if any man ^e doe *compassse* or *imagine* the death of our Lord the King (as all *Rebells* doe) and doth declare the same imagination by any overt *fact*, either deed or word, he shall suffer judgement as a Traitor, *licet si id quod in voluntate habuit, ad effectum non perduxerit*, as ^f *Bracton* hath it, although it doe not take effect, and goe no farther then the thought or purpose of the first contriver. Vpon which ground it was, no question, that *Shimei* suffered death by the hands of *Solomon*. For although *David* spared him upon submission, because he would not intermix the joy of his returne unto *Jerusalem* with any sad and mournfull Accident (as that must needs have been unto *Shimei's* friends) 2. *Sam.* 19. 22. yet he gave order to his sonne to bring his hoary head down to the grave with blood, because he had cursed him with a grievous curse in the day when he went to *Mahanaim*, 1. *Kings* 2. 8. which was accordingly performed by *Solomon*, v. 46.

6. *Quest.* But *Shimei's* case can be no *Precedent* to us, who are not governed by the *Judiciall Law* of *Moses*, but by the

common

^e Merc. Anlic.
Sept. 52.

^d V. *Stam-*
fords Plees
esp. 2. *Coke*
on *Littleton* l.
2. c. 11. § 200.
^e Stat. 25. Ed.
3. cap. 2.
^f *Bracton* l. 2.

common Law of England, and the ruled cases in that Law.

And therefore tell me, if you can, whether our owne bookes doe afford you any of the like examples.

Ans. Our owne bookes doe afford us many; as *we.* in the case of *Walker* a Citizen of *London*, and that of *Mr Burdet* an *Esquire of Warwickshire*, both executed in the time of King *Edward the 4th*. for words which might be construed to a treasonable and rebellious sense, though perhaps no ill meaning was intended; that of the *Windsors* ^h Butcher in the reigne of King *Henry 8th*. for saying that rather then sell his meat at so mean a rate, he would send it to the Rebels in the North; and finally of one *Oldnoll*, one of the Yeomen of the Guard in Queene *Maries* time, ⁱ who had judgement of death for certaine traitorous and seditious words spoken against her Majesty, although no insurrection or Rebellion did ensue upon them. For the particulars, I must referre you to our *law books* and the common *Chronicles*.

g g V. Speed, Hollingh. and others, in the life of Edw. 4. h Id. in Hen. 8.

i Compton in his book of Justices.

7. *Quest.* Proceed we now unto your third and last sort of Rebellion, and tell me what you meane by the Rebellion of the hand, and how many sorts there are of it.

Ans. The Rebellion of the hand is of two sorts, whereof the first is the composing and dispersing of false and scandalous Books and Pamphlets, tending to the dishonour of the King, His Subordinate Officers, and Form of Government, of purpose to alienate the affections of his Subjects from him, and make them the more apt to Rebel against him. And this is punishable with death also by the law of *England*, as may appeare by the examples of *W Bagnall*, *Scot*, *Heath*, and *Kennington*, being Sanctuary men, in *S. Martins le grand London*, who had judgement to be hanged, drawne, and quartered in the time of King *Henry 7th*. for setting up seditious Bills to the scandall of the King and some of his Councill: of *Penry*, *Udall*, *Barrow*, *Greenwood*, *Studley*, *Billott*, and *Bowdler*, ^l zealous *Turians* all, all of which were condemned and three of them hanged in Queene *Elizabeths* time, for writing treasonable and seditious Books, by which the peace of the Kingdome might have been disturbed, though no Rebellion followed on them: of *Copping* and *Thacker*, ^m who were hanged at *S. Edmundsbury* in the said Queenes time, for publishing the Pamphlets

l Stow. in Hen. 7.

l Id. in Elizabeth.

m Hollingh. in the life of Qu. Elizab.

ⁿ Compton
in his book of
Iustices.
^o Howes ad-
dition to
Stowes Chro-
nicle.

Pamphlets writ by Rob. Browne against the Book of *Common-Prayer*; which Compton thus reports in his *Lawyers French*,
ⁿ *Deux executez pour poublir les livres de Robert Browne, en-contre le livre de common prant.* And finally witness the exam-
ple of Mr *Williams* ^o a *Barrister* of the *Middle Temple*, who was
executed in King *James* ^{his} reigne for writing a defamatory
Book, against the said King and his posterity.

8. *Quest.* What is the other sort of that *Rebellion*, which you
call the *Rebellion of the hand.*

^p Cap. 2.

^q Spiegel in
Lexico iur.
Civil.

^r Bartolus in
Constitut.
Hen. 7.

^s Camden
Annal. Eliz.
An. 1601.

Answ. The other sort of the *Rebellion of the hand*, is that
which commonly is called *actnall Rebellion*, and is defined by
the Statute of the 25 of King *Edward 3.* ^p to be *a levying of*
Warre against our Sovereigne Lord the King in his Realme, or an
adhering to the Kings Enemies in his Realme, giving to them ayd
and comfort in the Realme or elsewhere. And so it is determined
also in the *Civill Lawes*, by which all those, ^q *qui arripiunt ar-*
ma contra eum cujus jurisdictioni subditi sunt, who take up *Armes*
against such Persons to whose authority they are subject, are de-
clared to be *Rebells*. Where note, that not the *open Act* only, but
the attempt and machination is brought within the compasse of
Rebellion. *Rebellio ipse actus rebellandi est, qui non solum facto*
sed machinatione committitur, as those *Lawyers* tell us. ^r And it
is worth our observation that not only the *bearing Armes* against
the King is declared to be *Rebellion* by the law of *England*, but
that it was declared to be *Rebellion* by the chiefe Iudges of
this Kingdome ^s at the arraignment of the Earle of *Essex* (the
Father of him who now is in the head of this *Rebellion*) for any
man to seek to make himselfe so strong, that the King should not
be able to resist him, although he broke not out into open act.

9. *Quest.* What is the end that *Rebells* doe propose unto
themselves, when they put themselves into *Rebellion*?

^t Camden
ibid.

Answ. The deposition and destruction of the King in posses-
sion, and an alteration of the present government. And so it was
determined by the joynt consent of all the Iudges ^t at the Ar-
raignment of the Earle of *Essex* above mentioned, by whom it
was resolved for *Law*, that in every *Rebellion* there was a plot
upon the life and deposition of the Prince; it being not to be
conceived

conceived that the *Rebells* would suffer him to *live* or *reigne*, who might have opportunity in the change of things, to punish them for their *Rebellions*; and avenge himselfe upon them for their *Treasons*. And this they did confirme by the *Civill laws*, and further justifie and confirme by the strength of reason, with which it seemed inconsistent, *ut qui semel Regium dixerit*, that he who had once over-ruled his King by *force of Armes*, should either suffer him to *live*, or recover the possession of his *Realme* againe. All which they made good by the sad examples of King *Edward* the second, and King *Richard* the second, who did not long enjoy either *life* or *Crowne*, after they came into the hands of those who *rebelled* against them.

10. *Qu.* But those examples which you speake of, were in times of *Popery*; have you the like to shew since the *Reformation*?

Answ. I would to God we had none such, but we have too many. For not to look into our neighbouring Realme of *Scotland*, and the proceedings of some there (who called themselves *Protestants*) against their *Queene*; the *Rebellion* plotted by the Earle of *Essex* in *Queene Elizabeths* time, (though there was nothing lesse pretended) was to have ended in the death of the *Queene*, and the alteration of the government. For as was afterwards confessed by some of his *Accomplices*, the secret part of the designe, was to have seized upon the *Queene*, and secured his *Adversaries* in the Court; whom when he had condemned and executed, *Parlamento inditito reipub. formam immutare* ^{u Id. ibid.} *statuit*, he then resolved to call a *Parliament*, and settle a new form of Government. Which how it could be done, and the *Queene* alive, I beleeve you know not. And so much was acknowledged by the Earle himselfe, after the sentence of death was passed upon him, when he affirmed to certain of her *Majesties* Councell, *Reginam sospitem esse non posse si ipse superstit*, ^{* Idem, ibid.} that whilst he lived it was not possible for the *Queen* to continue in safety. Thus have you seen the main design of that *Rebellion* (as of all others whatsoever:) what his pretences were which he cast abroad, the better to seduce the people, I shall not stick to tell you if you put me to it.

B

11. *Quest.*

11. *Quest.* I shall not trouble you with that at this present time. But being you say, that *levying of warre* against the King is properly and truly to be called Rebellion, I would faine aske, whether you meane it only in such cases where the Subjects take up Armes out of pride & wantonnesse; or in such also when they are necessitated and inforced unto it in their owne defence?

Ans. I meane it equally in both cases, though of the two, the former be more odious in the sight both of God and man. For even *defensive Armes*, as your party calls them, are absolutely unlawfull in the Subject against his Sovereigne: in regard that no *defensive warre* can be undertaken, but it carrieth a *resistance* in it ^y to those *higher powers*, to which *every soule* is to be *subject*. Which *powers* being obtained by Almighty God, it followeth by the *Apostles* Logick (who was a very able disputant) that they *who doe resist the powers, resist the ordinance of God*, ^z and consequently, *shall receive to themselves damnation*. A rule which took such deep impression in the Primitive Christians, that though for personall valour, numbers of men, and leaders able to conduct them, they were superiour to the adverse party in the *Roman Empire*; yet they chose rather to expose their lives unto the mercilesse fury of the *Persecuters*, then take up *Armes* against their Princes, or disturb the peace of their Dominions, under pretence of standing in their owne defence, being so tyrannically and unjustly handled. For proof whereof, we may alledge *Tertullian*, ^a *Cyprian*, ^b *Lactantius*, ^c and some other ^d Antients, whose words we will produce at large, if you think it necessary.

^a In Apolog.
^b Cyprian.
Epistola ad
Demetrian.
^c Lactant.
Institut. di-
vin. l. 5.
^d Eucher.
Lugdunens.
& alii.
^e Mercur.
Britannicus.
sum. 19.

12. *Quest.* You need not put your selfe to that trouble. For we deny not that *the antient Christians* did rather choose to suffer, then to take up *Armes*; ^e but then we say, that though they were exceeding numerous, yet they were not formed into States and Kingdomes, and that when they were once *estated in lawes and liberties*, as in France, Holland, Scotland, Germany, they made no question then to defend themselves. What can you answer unto that?

Ans. I trow the *Roman Empire* was a settled State, as strongly

strongly cemented with all the ligaments of power and policy, as any one of these you mention; and that the Subjects of that empire had their *lawes* and *liberties*, which as their Ancestors had received from the indulgence of their *Emperors*, and the *Roman Senate*, so they transmitted them to their posterity. And yet when all the Empire had received the faith in the time of *Constantine*, and that no Religion but the *Christian* had publick countenance from the lawes, during the most part of his reigne, and the whole reigne of his three sonnes (which was for 55 yeares, no fewer,) the Subjects kept themselves to their former Principles. Insomuch that when the Emperour *Julian* began to intrench upon their *liberties*, and infringe those *lawes*, which had been granted them by the grace and goodnesse of those Princes; they knew no other way, nor *weapons*, by which to make resistance to such lawlesse violence, but their *prayers* and *teares*. *ὁ τὸ πῶτον καὶ τὸ δῆλον ἐξέμαχον*, ^f and this was all ^f *Nazianzen*; the medicine which they had to cure that *maladie*, as we find in *Oratio 1. in Nazianzen*. The like I could produce from *St Ambrose* also, ^g *Ambros*, & were not this sufficient. And for your instances of *France* ^g *Ambros*, *Holland*, *Scotland*, *Germany*, which you have mustered up to *Orat. 1.* make good your cause; I am sorry for the *Protestant* Religions sake, that you have furnished me with so many examples of *Rebellions* since the *Reformation*; some of which ended in the *death*, and others in the *deposition* of their naturall Princes, Which was a point you seemed to doubt of in your tenth Question.

13. *Quest.* But tell me seriously, doe you conceive that all *resistance* of this kind made by *force of Armes*, may be called *Rebellion*; and that there are no cases which may make it lawfull, and warrantable by the lawes of God or man?

Ans. Your question hath two severall parts, and must receive two severall answers. And to the first I answer seriously (it being now no time to trifle) that all *resistance* of the kind you speak of, not only may be called *Rebellion*, but is *Rebellion* in the true & naturall sense of the word. For if (as the *Civilians* say) *Rebellis dicitur inobediens Principi circa concernentia prosperitatem Imperij*, ^h *Bartolus in repertorio*, that every one may be said to be a *Rebell*, ^{who}

who yeeldeth not obedience to his Prince in all such particulars as do concern the flourishing estate of his Dominions : assuredly he is a *Rebell* in the highest degree, who takes up *Armes* against his Sovereigne (what ever his pretences be) and by so doing doth embroyle his Kingdomes in all these miseries, which most inseparably are annexed to a *Civill* warre. Now frame the second part of the present *Quest*, into a distinct question of it selfe, and I will give such answer to it, as I hope shall satisfie.

14. *Quest*. My question is, whether the condition of the persons which are engaged in such resistance, the grounds on which they goe, and the end they aime at, make not an alteration in the case: so that resistance qualified by these severall circumstances, become not warrantable by the Lawes both of God and Man?

First part of
the Homily
against Re-
bellion.

Ans. The answer unto this is already made in the book of *Homilies*; where it is said, that " though not only great multitude of the rude and rascall *Commons*, but sometimes also men of great *Wit*, *Nobility*, and *Authority*, have moved *Rebellion* against their lawfull Princes; though they should pretend sundry causes, as the redresse of the *Common-wealth*, or reformation of *Religion*, though they have made a great shew of holy meaning by beginning their *Rebellion* with a counterfeit service of God, and by displaying and bearing about diverse *Ensignes* and *Banners*, which are acceptable unto the rude ignorant Common-people, (great multitudes of whom by such false pretences and shewes they doe deceive and draw unto them) yet were the multitudes of the *Rebels* never so huge and great, the *Captaines* never so noble, politick and witty, the pretences fained to be never so good and holy, yet the speedy overthrow of all *Rebels*, of what number, state or condition soever they were, or what colour or cause soever they pretended, is, & ever hath been such, that God doth thereby shew that he alloweth neither the dignity of any person, nor the multitude of any people, nor the weight of any cause, as sufficient for which the Subjects may move *Rebellion* against their Princes. " So farre the very words of the Book of *Homilies*.

15. *Quest*. Why do you tell us thus of the book of *Homilies*, composed

composed by a company of ignorant *Bookmen*, men utterly unskillfull in the Lawes of the Land; Think you that we ascribe to them so much authority, as to be over-ruled by them in this case?

Ans. It may be not. But I must tell you that there was a Statute made in the thirteenth year of Queen Elizabeth, ^k entitled, *An Act for Reformation of disorders in the Ministers in the Church, &c.* in which it was enacted amongst other things, that all who were to be admitted unto *holy Orders*, or instituted into any Ecclesiasticall preferment should first subscribe unto the *Articles of Religion* agreed upon in Convocation, Anno 1562. One of which *Articles* recites the names and titles of each severall *Homily*, and approves their doctrine. So that although the *Homilies* were at first composed by men unskillfull in the Lawes, as you please to say, yet they received both strength and approbation from the skilfullest *Lawyers* of those times, convened with the Nobility and Gentry in the Court of *Parliament*, and consequently have as much authority as the *Parliament* could adde unto them. But since you are not pleased with this generall answer, give me your doubts and *Queres* in particular, and see what I can say unto them.

16. *Quest.* First then, I aske, whether if the King become a *Tyrant*, it be not Lawfull in that case to *beare Armes* against him?

Ans. Yes, if *G. Buchanan* may be judge, ^l who tel's us plainly, that he would have rewards proposed to such as should kill a *Tyrant*, as formerly there were for those who destroyed *Wolves*. But if *S. Paul* may rule the case we shall find it otherwise. For if we ask to whom it was that the Apostle did command Subjection to be given even by every soule, to whom it was that he forbade *resistance* to be made upon pain of *Damnation*, ^m we shall finde it was no other then the Emperour ⁿ *Nero*, the greatest *Tyrant*, the bloodi st and most terrible Prince, the greatest monster of many kind, that ever yet was borne of woman. Yet *S^t Paul* writing to the *Romans*, over whom he did so cruelly tyrannize, commanded every soul to be subject to him, not for wrath only but for conscience sake; and that upon the pain and

^k Stat. 13.
Eliz. cap. 12.

^l Buchanan.
de jure Regni.

^m Rom 13. v.
ⁿ 1, 2, 3.
ⁿ Baron. &
Chronol. alli.

perill of *dannation*, no man should be so bold as to resist his power, or rebell against him. And doubtlesse *Nebuchadnezzar* was a mighty Tyrant, one who had taken from the *Jewes*, their *Lawes*, their *Liberty*, their *Religion*, * and whatsoever else was most deer unto them. Yet were the *Jewes* commanded to submit unto him, & patiently to bear the yoke which was laid upon them; and not to hearken to their Prophets, nor to their diviners, nor unto their dreamers (marke it, for this is just your case) which speak unto you, saying, ye shall not serve the King of Babylon, for they Prophecy a lye unto you that ye should Perish. *Jerem. 27. v. 9.* Finally, to oppose the saying of an *Heathen* man, unto that wicked speech of him who did pretend so much unto Reformation, we find it thus resolved in *Plutarch*, *ἡ δὲ ἀπορία ἰδὲ νενομισμένη* p *Plutarch. in Agis & Cleomenis.* *ἡ δὲ ἀπορία ἰδὲ νενομισμένη* p that it was contrary both to positive Lawes, and the Law of nature, for any Subject to lift up his hand against the person of his Sovereigne.

17. *Quest.* Is it not lawfull to bear Armes against Sovereigne Princes, for the preservation of Religion?

Answ. Yes, for those men who place Religion in Rebellion, and whose faith is faction; but for no men else. The *Jewes* might well have pleaded this against *Nebuchadnezzar* when he destroyed their Temple, and forbad their sacrifices; and the Christians in *Tertullians* time (when they were at the strongest) against the Emperour *Severus*, who did not only labour to suppress Religion, but utterly to root out the Professours of it; and yet the contrary doctrine was then preached and practised, as before was shewed you. What weapons the poor Christians did make use of in the time of *Julian the Apostate*, in his endeavours to subvert the Gospel, and establish Paganisme again in the place thereof, we told you lately out of *Naxianzen*; and shall now adde, that the Christian party was then so strong and powerfull in the Roman Armies, that when *Iovinian* was elected Emperour on the death of *Julian*, the Souldiers with one voice *ἡ δὲ ἀπορία ἰδὲ νενομισμένη* q *Socrat. Eccl. Hist. l. 4. c. 22.* that it was not consciousnesse of their own weaknesse, nor the feare of wrath; but conscience of their duty, and the feare of God, which made them patiently submit to the present storme. Thus when

when the younger *Valentinian* endeavoured to supplant the true Religion, and to set up *Arianisme*, to which he strongly was addicted, the Tyrant *Maximus* made offer to *S. Ambrose* of his *Armes* and forces, the better to inable him to resist the *Arians*, and to preserve the true Religion: ¹ but the good Father absolutely refused the offer. And though he was so well beloved and honoured by the people generally, that he could easily have armed them against the Emperour, & crushed the *Arian* faction in the Court, by whom his counsailes were directed, yet he betook himselfe to no other weapons then his *Prayers* and *Teares*, the ancient weapons of the Christians. *Coactus repugnare non novi, dolere potero, potero flere, potero gemere; Aliter nec debeo nec possum resistere;* ² other resistance knew he none, though prest and oppressed too, then his *teares* and *prayers*. ³ Theodoret. Hist. Eccl. l. 5. c. 4.

18. *Quest.* What if he violate our *Lawes*, and infringe our *Liberties*, may we not then beare *Armes* against him?

Answ. Somewhat in answer unto this you received before, in the command imposed upon the *Jewes* by the Prophet *Jeremie*, not to Rebel or take up *Armes* (which come both to one) against *Nebuchadnezzar* King of *Babylon*, ¹ although he did so tyrannize, and Lord it over them, that neither their old *Lawes* nor *Liberties* were a jot regarded. But that which I shall tell you now, is *S. Pauls* case in the 23. of the *Acts*. Being brought to plead his own cause, and the *Gospells* too, before the Councell of *Hierusalem*, in the first entrance to his Plea, the high Priest *Ananias* commanded them that stood by to smite him on the mouth; ² and sitting there to judge him after the Law, commanded him to be smitten contrary to the Law. *S. Paul*, upon the apprehension of so great an injury, so plainly contrary unto the *Lawes*, and *Liberties* of the *Jewish* Subject, calls him *whited wall*, and threatneth him with vengeance from almighty God. ³ But finding that it was the High Priest whom he had reviled (who had sometimes the supream government of the *Jewish* state) he cried *peccavi* out of hand, imputed his offence to ignorance, ⁴ I wist not, Brethren, that he was the High Priest; and finally condemned himselfe with a scriptum est, saying, ⁵ it is written, thou shalt not speak evil of the Ruler of thy people. if so, in case we may not.

not speak vill of our Rulers, when they smite us contrary to the *Laws*, the Subjects *Liberty*, which is the rebellion of the tongue; assuredly we may not take up *Armes* against them under those pretences, which is the rebellion of the hand.

19. *Quest.* What if the King be in the hands of *Evill Counsellors*, may we not take up *Armes* to remove them from him?

Ans. Yes, if the Earle of *Essex* may be Iudge, whose Father fell into *Rebellion* under that pretence, ^a *ut regnum ab impotenti & inordinata dominatione liberaret*, as to free the Kingdome from *tenere men* who had got the Queen into their hands, and consequently ingrossed unto themselves the principall managery of the Common-wealth. But he had other aimes then that, as before was told you; and so had they that went before him in the selfe same road. When as *Watt Tiler*, and *Jack Straw*, and the residue of that *Rascall Rabble* had took up *Armes* against K. *Richard* the second, they made the *Londoners* believe (who have been alwaies apt to be deluded by the like pretences) that when they had seized on the *evill Counsellors*, ^b which abused the King, and brought them to a legall trial, then they would be *quiver*. But under this pretence they broke open prisons, robbed Churches, murdered the Kings good Subjects, and finally arrived to so high an impudence, that *Watt Tiler* did not stick to say, that *within foure daies all the Lawes of England should proceed from his mouth*. ^c And when *Jack Cade* had drawn the *Kentish* to *Rebell* against K. *Henry* the sixth, he gave it out, that if he could get the King and Queen into his hands he would use them *honorably*. ^d but if he could lay hands on any of the *Traytors* which were about them, he would take care to see them punished for their *misdeemeanours*. But in good truth the end and aime of the *Rebellion*, was to depole K. *Henry* and the house of *Lancaster*, in favour of the title of the Duke of *Yorke*.

20. *Quest.* What if the King assaults a Subject, or seek to take away his life; may not the Subject in that case take up *Armes* against him?

Ans. Yes, if ^e *Pareus* may be judge, and some of the *Geneviand* doctors who have so determined. But: *David's* case, which com-

^a Camden, 1
Annal. Eliz.
Anno 1600.

^b Hollingsh.
Rich. 2.

^c Id. ibid.

^d Id. in the
life of Henry
6.

^e Pareus in
ep. ad Rom.
c. 13.

commonly is alledged in defence hereof, if looked on with the eyes of judgement, doth affirme the contrary. For *David*, though he had a guard of some friends and followers to save him from the hands of such wicked instruments, as *Saul* in his unjust displeasure might have used against him: yet he preserved himself from *Saul* not by resistance, but by flight, ^f by flitting up and down as the King removed, and approached near him with his Armies. ^{f 1. Sam. 22. v. 5. 23. v. 13 26. 27. 28.} For had he had a thought of warre, though *Defensive* meerely, 'tis probable he would have took the opportunities which were offered to him, either of seizing on *Saul's* person when he had him all alone in the cave of *Engaddi*, or suffering *Abishai* to smite him as he lay asleep in the hill of *Hachilah*, ^{g 1. Sam. 24. v. 3.} or at the least in making sure of *Abner* and the host of *Saul*, who lay sleeping by him. ^{h 1. Sam. 26. v. 3.} But *David* was not so well tutored in the Art of Rebellion, as to secure himselfe this way, and wanted some of our new Masters to instruct him in it. If from the practice of a pious and religious *Jewe*, we will looke down upon the precept of a grave, wise, and learned *Gentile*, we shall find this rule laid down in *Aristotle*, ^{i Ibid. v. 12.} *ἡ ἐν ἀρχῇ ἔχον ἀπάταξεν ἡ δὲ ἀντιπαρῆναι.* that if the Magistrate assault the person of a private *Subiect*, the *Subiect* may not strike again, nor lift hand against him. ^{k Aristot. in Polit.} Finally, that you may perceive how much all sorts of men do oppose your doctrines, *Calvin* himselfe, although no friend to *Monarchy*, doth affirme thus much, *qui privatus manum intulerit &c.* that any private person of what sort soever, who shall lift up his hand against his *Sovereigne* (though a very tyrant) is for the same condemned by the voyce of God. ^{l Calvin Instit. l. 3. c. 10. 5, 6.}

21. *Quest.* Perhaps we may so farre agree with you, as to disabie private persons from bearing *Armes*, and lifting up their hands against Kings, and Princes of their owne authority: But think you that *inferiour Magistrates* are not inabled by their offices to protect the people, and arme them if occasion be, in their own defence?

Answ. 'Tis true that some *Divines* of the *Reformed Churches*, who either lived in popular States, or had their breeding at *Geneva*, or thought the *Discipline* by them defended could not be otherwile obtruded upon *Christian Princes*, then by putting the

the sword into the hands of the people, have spared no paines to spread abroad this dangerous doctrine ; in which they have not wanted followers in most parts of *Christendome*. But *S. Paul* knew of no such matter when he commanded *every soule* to yeeld obedience and *subiection* to the *higher powers*, and upon no occasion to *resist* those *powers* to which the Lord had made them *subiect*. So that although *inferiour Magistrates* may expect obedience from the hands of those, over whom and for whose weal & governance they are advanced & placed by the *Prince* in cheife; yet God expects that they should yeeld obedience to the *powers* above them, especially to the highest of all, then which there is not any *higher*. There is a golden chain in *Politics*, & every linke thereof hath some relation and dependance upon that before; so farre forth as *inferiour Magistrates* do command the people, according to that power and those instruments which is communicated to them by the *supream Prince*, the *subiect* is obliged to submit unto them, without any manner of *Resistance*. Men of no publique office must obey the *Constable*, the *Constable* is bound to speed such warrants as the next *Iustices of the peace* shall direct unto him; the *Iustices* receive the exposition of the Law from the mouth of the *Judges*; the *Judges* have no more authority but what is given them by the *King*. And thereupon it needs must follow, that though the *Judges* directs the *Iustices*, and the *Iustices* command the *Constables*, and the *Constables* may call the *people* to their aide, if occasion be; yet all must yeeld a free obedience without reluctancy or *resistance* to the *King* himself. The reason is, becaule as *Kings* or *supream Magistrates* are called *Gods Ministers* by *S. Paul* ^m to the *inferiour* or *Subordinate Magistrates* are called the *Kings Ministers* by *S. Peter*, ⁿ submit your selves to the *King* as unto the *Supream*; next to such *Governours* as are sent (or authorized) by him for the punishment of *evill doers*. Besides there is no *inferiour Magistrate* of what sort soever, but as he is a *publique* person in respect of those that are beneath him; so is he but a *private* man in reference to the *powers* above him: and therefore as a *private* person disabled utterly (by your own rules) from having any more authority to *resist* his *Soveraigne*, or bear *defensive* armes against him as well as a

m Rom. 13.

vers. 4.

n 1. Pet. 2.

vers. 14.

ny.

ny other of the Common people. The government of *States* may be compared most properly unto *Porphyries* tree, in which there is one *Genus summum*, and many genera *subalterna*. Now 'tis well known to every young *Logician* who hath learnt his *Predicabiles*, that *Genus subalternum* is a *Species* only as it looks up to those above it; a *Genus* in relation unto these below it. If you have so much *Logicke* in you as to make application of this note to the present case, you will perceive *inferiour Magistrates* to be no *Magistrates* at all, as they relate unto the King, the *Genus summum* in the scale of government, and therefore of no more authority to *resist* the King, or call the people unto armes, then the meanest *Subject*.

22. *Quest.* If so, then were the *Christian Subject* of all men most miserable, ° in being utterly deprived of all wayes and meanes, by which to free his Country from *oppression*, and himselte from *Tyranny*. And therefore tell me if you can, what would you have the Subject doe in these extremities, in which you have deprived him of all meanes to relieve himselte?

o Merc. Brit.
numb. 19.

Answ. That which the Lord himselte *prescribed*, and the *Saints* have *practised*. When first the Lord acquainted those of the house of *Israel*, how heavy a yoke their violence and importunity in asking for a *King*, had pulled upon them; he told them of no other remedy for so much affliction, but that *they should cry out in that day, because of the King whom they had chosen.* ¶ No casting off the yoke when we find it grievous, nor any way to make it lighter and more pleasing to us, then either by addressing our *complaints* to the Lord our God, or tending our *Petitions* to our Lord the King. Kings are *accountable* to none but God, if they abuse the power which he gives unto them: nor can we sue them for a *trespasse*, in any other Court, then the Court of heaven. Therefore when *David* had defiled the wife, and destroyed the husband, he thought himselte responfall for it unto none but God, *against whom only he had sinned*, ¶ as he saith himselte. And thereupon *St Ambrose* gives this glosse on those words of *David*, *Homini ergo non peccavit qui non tenebatur obnoxius.* ¶ *David*, saith he, confesseth no offence to man, by whom he

p 1. Sam. 8.
vers. 18.

¶ Ps. 51. v. 4.

¶ Ambros.
could in locum.

S. Greg. Tur.
hist. Franc.

could not be *impleaded*; but only unto God who had power to judge him. St Gregory of *Tours* understood this rightly, when he did thus addresse himselfe to a King of *France*, *Si quis de nobis, &c.* "It any of us (O King) doe transgresse the lawes, thou hast power to punish him; but if thou goest beyond thy limits, who can punish thee. We tell thee of thy fautes as occasion serves, and when thou listest to give care, thou dost hearken to us. Which if thou shouldest refuse to doe, who shall judge thee for it, but he that calls himselfe by the name of justice. And that you may be sure, that it is no otherwise in *England* then in *France*, and *Iewry*, *Bracton*, a great and famous Lawyer of this Kingdome, doth affirme expressly, that if the King proceed not in his Government according unto law and right, there is no *legall* remedy to be had against him. What then is to be done by the injured Subject? *Locus erit supplicationi quod factum suum corrigat & emendet; quod si non fecerit, satis ei sufficit ad poenam, quod Dominum expectet ultorem.* "All that he hath to doe

2 Bracton. 1.
cap. 8.

(saith he) is that he doe *Petition* him for reliefe and remedy; which if the King refuse to consent unto, it will be punishment enough unto him, that he must look for vengeance from the hands of God. Which said, he gives this reason for it, because that no man is to call the Kings acts in question, *multo fortius contra factum suum venire*, much lesse to goe about to annull and voyd them by force and violence.

23. *Quest.* We grant it to be true which you cite from *Bracton*, as it relates to private and particular men; but think you that it doth concerne or oblige the *Parliament*, which is the *representative* body of the Kingdome?

u. Tertull. A-
polog. c. 39.

Answ. *Hoc sumus congregati quod & dispersi*, u as *Tertullian* tells us of the *Christians* in another case. We shewed before that *Subjects* were in no case to resist their *Soveraignes*, in the way of armes, either as *privat* persons or *inferiour Magistrates*. And thereupon we may conclude, that the people of this Realm in the *diffusive* body of it, having no power of *levying Warre* or raising Forces to resist the King, without being punishable for the same, as in case of *Treason*; cannot enable the two Houses of *Parliament* which are the *representative* body of it, to doe those

Acts

Acts, which they want power to do themselves; for no man can conferre a power upon any other which is not first vested in himselfe, according to that good old rule, *Nemo dat quod non habet*. And therefore if it be rebellion in the *English* Subject out of times of Parliament, to levie warre against the King in his Realme, or to adhere unto his Enemies, and be aiding to them: I know not how it can excuse the Members of the two Houses of Parliament from comming within the compasse of that condemnation, if they commit such Acts in time of Parliament, and under the pretence of the power thereof, which are judged Treason and Rebellion by the Lawes of England.

Qu. 24. But Master Prynne hath learnedly removed that rub, * who tels you that the Statute of 25. Edward. 3. runnes (onely) in the Singular number, *If a man shall levie warre against the King*, and therefore cannot be extended to the Houses, who are many and publike persons; What can you answer unto that?

x In his disloyaltie of Papists, &c.

Ans. That M. Prynne having so often shewen malice, may have a little leave sometimes to shew his follie, and make some sport unto the Kingdome in these usefull times: for if his learned observation will hold good in law, it is not possible that any Rebellion should be punished in a legall way; because so many (and some of them perhaps may be publike persons) are commonly engaged in actions of that wicked nature. And I suppose that M. Prynne with all his learning, did never reade of a Rebellion, that is to say, of a Warre levied by the Subject against his Sovereigne, plotted and executed by one man onely, in the Singular number. Had Master Prynne affirmed on his word and credit, that the Members of the two Houses were not men but gods, he had then said somewhat which would have freed them from the guilt and danger of that dreadfull Statute. If he admit them to be men, and grant them to have levied warre against his Majesty, or to be aiding to the Rebels now in armes against him; he doth conclude them to be guilty of this great Rebellion, with which this miserable Kingdome is almost laid desolate. His sophistrie and trimme distinctions touching their qualitie and numbers will but little helpe them.

25. *Qu.* We have another plaister which will salve that sor,
viz. the difference that is made between the Kings *Per-*
son and his *Power*, by which it is made visible to discern-
 ing eyes, that though the *Parliament* have levied warre
 against the *Person* of the *King*, yet they do not fight a-
 gainst his *Power*, but defend it rather. And 'tis not a *resi-*
stance of the *Person* but the *Power* of *Princes*, which is
 forbidden by *Saint Paul*. How do you like of that *dis-*
inction?

Ans. As ill, or worse than of the other, as being of the
 two the more serious follie; and coming from an Authour no
 lesse factious (but farre more learned I confesse) than your other
 was. For if I do remember right, *Buchanan* was the first that
 broached this Doctrine in his booke *de jure regni apud Scotos*;
 in which he tels us that *Saint Paul* in the place aforesaid doth not
 speak of *Magistrates*, *Sed de functione & officio eorum qui aliis*
presunt, but of the *Magistracie* it selfe, the function or office of
 the *Magistrate*, which must not be resisted though his *Person*
 may. Which foolish fancie serving fitly for a cloake or vizard,
 wherewith to palliate and disguise *Rebellions*, hath since been
 often used by those who pursue his principles, (though never
 worne so thred-bare as of late; in your treacherous pamphlets :)
 but draweth after it as many and as grosse absurdities as the o-
 ther did. For by this strange division of the King from him-
 selfe, or of his *Person* from his *Power*, a *Traitor* may kill *Charles*
 and not hurt the *King*, destroy the *man* and save the *Magistrate*,
 the *power* of the *King* in one of the *Armies* may fight against
 his *person* in the other *Armie*, his own *authority* may be used to
 his own *destruction*, and one may lawfully set upon him, beat,
 assault and wound him in order to his *preservation*. So that you
 make the King like *Sosia* in the ancient *Comædie*, who being
 well beaten and demanded who it was that did it, made an-
 swer, *Ego met, memet, qui nunc sum domiz*, that *Sosia* who was
 at home in his masters house; did beat that *Sosia* which was a-
 broad in his masters businesse. But questionlesse *Saint Paul* did
 better understand himselfe than either *Buchanan*, or any of his
 followers since his times have done: who doth interpret the
 word

Plaut. in
 Amphitr.
 Act. 3.

word *power*, vvhich he useth in the first and second verses, by that of *Principes & Ministri*, *Rulers* and *Ministers*, which he useth in the third and fourth: which as it plainly shewes that he meaneth the *Magistrate*, and not the *function* or the *office*, as your masters tell you; so doth it leave you liable to the wrath of God, if you endeavour to defend these wicked and rebellious courses by such wretched shifts.

26. *Quest.* What say you then if it appeare that the two Houses of *Parliament*, (for I use your termes) are not subordinate to the King, but coordinate with him? I hope then you will yield so farre that the two Houses have a power, if they cannot otherwise provide for the common safety, to arme the People of the Realme against Him, as against an *Equall*.

y Observations on his Majesties Answers, &c.

Ans. We grant indeed that people which have no superior, but stand on equall termes with one another, if injured by by their neighbours, and not receiving satisfaction when they do desire it, may remedy themselves by force and for so doing by the Law of Nations, are esteemed just enemies, but so it is not in the point which is now in question, the Realme of England (as it is declared by Act of a Parliament) being an Empire, governed by one supreme Head and King, having the dignity and royal estate of the Imperiall Crown of the same, unto whom a bodie politique compact of all sorts and degrees of people, divided in termes and by names of Spirituality and Temporality, been bounden and ought to beare next to God, a naturall and humble obedience. Assuredly, had the Lords & Commons then assembled, conceived themselves coordinate with the King in the publike Government, they would not have so wronged themselves and their posterity, as to have made this declaration and acknowledgement so prejudiciall thereunto, not onely in a Parliament time, but by Act of Parliament. Besides if this coordination which you dream of could be once admitted, it must needs follow thereupon, that though the King hath no Superior, he hath many Equals, and where there is equality there is no subjection. But *Bracton* tels you in plain termes, not onely that the King hath no superior in his Realme, except God alone, but that he hath no Equall, neither

a Statut. 24.
H. 8. ca 12.

b Bracton. l. 1.
c. 8. §. 5.

neither, *Parē autē non habet in regno suo*, as his words there are^b. And then he gives this reason of it, *Quia sic amitteret preceptum, cum par in parem non habet imperium*, because he could not have an *Equal* but with the losse of his Authority and Regal Dignity, considering, that one *Equal* hath no power to command another. Now lest you should object that is spoken of the King out of times of *Parliament*, but that when once the *Lords* and *Commons* are convened in *Parliament*, the case is otherwise. First, you must thinke that had this Doctrine been on foot in the times preceeding, it would have been a great impediment unto frequent *Parliaments*: and that our Kings (as others) being very *iealous* even of the smallest points of *Soveraignty*, would not admit of *partners* in the *Crown Imperiall*, by the assembling of a *Parliament*, having been used to reign alone without any *Rivals*. And secondly, you may call to minde, that even *sedente Parlamento*, during the sitting of the Court, the *Lords* and *Commons* call themselves *His Majesties most humble and obedient Subiects*, which is not onely used as a stile of course in such *Petitions* as they use to present unto him, (and by the way, 'tis not the use for men of *equall* power to send *petitions* unto one another) but it is the very phrase in some Acts of *Parliament*^c, for which I do referre you to the book at large. And if they be his *Subiects*, as they say they be, they cannot be his *Equals*, as you say they are; and therefore not *coordinate* with him, but *subordinate* to him; by consequence the *levying war* against the King no more excusable in them than the meanest *Subiect*.

c 25. H. 8.
c. 22. §. 6.

27. *Qu.* You take great paines to make the *Parliament*, or the two Houses, as you call them, to be guilty of *Rebellion* against his Majesty without ground or reason. For tell me seriously, thinke you the *Parliament* hath not power to *arme* the people, and put them into a *posture of defence* against the *Enemies* of the Kingdome, if they see occasion?

Answ. Yes, if the King do give consent, and that there be such *Enemies* against whom to *arme* them. For properly, according to the ordinary rules of *Politie*s, there is no power of raising Forces, and putting the people into *armes*, but onely in the
the

the Prince or *Supreme Magistrate*. The *Civill Lawes* have so resolved it. *Nulli prorsus, nobis insciis & inconsultis, quorumlibet armorum movendorum copia tribuatur*^d; let none presume to levy Forces, whatsoever the pretence or occasion be, without our privy or consent, saith the *Constitution*. If you consult with the *Divines*, Saint *Austin*, a most learned Father, will informe you thus, that the *naturall course and arts of Government accommodated to the peace and welfare of us mortall men* doe require thus much, *Ut suscipiendi belli autoritas atque consilium penes principes sit*^e, that all authority of making warre and levying forces appertain only to the Prince. And if you please to look on *Bracton*, or any of the *Lawyers* of your native Countrey, they will tell you this, that the *materiall sword* is put into the hands of the King by Almighty God^f; that by the *materiall sword* is meant a power and right to looke to the defence and preservation of the Kingdome; and that it is no lesse than *Treason* to enter into any association^g, or to raise a warre without the Kings consent, or against his will. And this the *Houses*, as it seemes, understood full well, when purposing to levie forces to begin the warre, they took the *Kings authority* along for company, and raised them in the name of the *King and Parliament*, the better to seduce the People to a *blinded Rebellion*. As for the *Enemies* of the Kingdome, against whom the Subjects were to arme themselves by the appointment of the *Houses*, I can tell of none; no nor they neither, as I take it, unlesse they saw them in their dreames. And for your *posture of defence*, as you please to phrase it, (besides that I have proved before, that even *defensive Armes* are absolutely unlawfull on the *Subjects* part) the warre hath been *offensive* plainly on the part of the *Houses*, which as it was contrived and followed without the least colour of necessity to induce them to it, so did it aime at nothing else than the destruction of the *King*, and the alteration of the Government, which are the purpose and designe of all *Rebellions*, as before was told you.

28. *Quest.* How prove you that the *Parliament* did begin the war, that on their parts it was *offensive*, not *defensive* only, or that they had a purpose to destroy the King; if you can make this good you shall gain me to you?

D

Answ.

^d Constitut.
Valentin, &
Valent.

^e August.

^f Braet. l. 1. c. 8.
§. 4. & l. 2. c. 24.

^g Proclam.
Feb. 16, 1642

Answ. This point hath been so agitated and discoursed already, it were but labour lost to speake further in it. The *Votes* and *Orders* of the Houses for putting the Kingdome into a posture of warre, the taking into their own hands the whole *Militia* of the Kingdome, raising of money, men, and horses, in all the quarters of the Land, mustering their new-raised Horse and Foot in *Finsbury* fields and *Tuttle* fields, seizing upon the *Armes* and *Ammunition* which the King had bought with his own money, and laid up in his own *Magazines*, before the King had either money enough to pay a Souldier, powder enough to kill a bird, or men enough about him to guard his person from any ordinary force and violence; what was all this but a *beginning* of the warre? and who did this but some prevailing men in the two Houses of *Parliament*, under the name & stile of the *Lords* & *Commons*? Then for the *managing* of the warre, if it had been *defensive* onely, as you say it was, what needed a Commission to the Earle of *Essex* to *kill* and *slay* all such as opposed their doings? What needed they have sent some part of their forces into *Hampshire*, to plucke the Towne of *Portsmouth* out of the Kings hands, which by reason of the distance of it could not do them hurt; another into *Dorsetshire* to beat the Marquess of *Hertford* out of *Sherborne* Castle; a third, and that the greatest part as farre as *Worcester*, and beyond it, to finde the King, and give him battaile before he was within an hundred miles of them? What needed they have sent their *Emissaries* into all the Counties of the Kingdome, to put the people into *armes*, in which the King had neither power nor party that appeared for him; or to exhaust the bloud and treasure of this Nation, under pretence of settling their own *priviledges* and the Subjects *liberties*, when the King offered more by his frequent Messages than they had reason to expect? Doubtlesse they could pretend no *danger*, as the case then stood, which might *necessitate* them to take armes in their own *defence*: and therefore now of late they have changed their termes, and do not make the warre *defensive* meerly, but in part *preventive* ^h. It seemes their *consciences* told them what they had deserved, and so for feare the King might right himselfe upon them when he was of power, they thought

^h Merc. Brit.
numb. 18, 19.

thought it best to strike the first blow and begin the Quarrell; in hope to make such sure work of it, that he should never strike the second. But to say truth, the warre was not *preventive* neither on the Houses part, but a designe that had been plotted long before, and was made ripe for execution, when there was neither ground nor colour to possesse the people with the fancy, that the King intended force against them. For what purpose else did Sir *Arthur Haslerig* & M. *Pym* sojourn two years together with M. *Knightly*, so near the habitation of the good Lord *Say*? to what end held they correspondence with the discontented partie in that countrey, and took such paines in canvassing for *Knights* and *Burgesses* (when this present *Parliament* was called) in most Counties, &c? Or to what end and purpose had the zealous Citizens so used themselves unto their weapons, frequented the *Artillery* garden, and stored themselves with Armes in so large a measure, but that they were resolved to be in readinesse when the time should come? This if it were not a *designe*, must be done by *Prophecy*, not in the way of a *prevention*.

29. *Quest.* But to the other poynt you spake off, touching the purpose which you say they had to *destroy the King*; can you make any prooffe of that?

Ans. I have already told you from the mouthes of our greatest Lawyers, that all *rebellions* aime at no other end then the *destruction of the King*, and the change of government; and that this end was aimed at more especially in this particular *Rebellion*. I shall tell you now, you cannot chuse but call to mind with what heat and violence, multitudes of the *rascall people*, as they flocked towards *Westminster*, clamoured against his sacred Majesty, even at *White-hall* Gates; and how seditiously they expressed the secrets of their traitorous hearts: some saying openly as they passed along, *that the King was the Traitor*; some, *that the young Prince would govern better*; and others of a more transcendent wickednesse, *that the King was not fit to live*. Next look upon these very men, (for out of them the body of their Army was at first compounded) trained to the Warres, well armed, and marching furiously to find out the King, against whose sacred person,

*L. Digbie's
Apol. p. 13.*

and most precious life, they had before expressed such a dangerous malice. Then adde to this, that when they came unto *Edge-Hill*, they bent their Cannon more especially, and spent the hottest part of their shot and fury towards that part of the battle in which (according unto that advertisement which the villaine *Blague* had given their Generall, a man as full of discontent and malice, as the worst amongst them) the King in person, and the two young Princes meant to be. Put this together, and compare it with some subsequent passages which have been desperately vented in the house of *Commons* (touching the deposition of the King) without check or censure; and the inviting of a forraigne Nation to invade this Kingdome, the better to effect their businesse, and tell me, if you can, what is aimed at, els, then the destruction of the King, and his Royall issue?

30. *Que.* I must confesse you put me to it, but I must take some time to consider of it, before I tell you what I think. In the mean season I have one more doubt to propose unto you, which if you can remove, I am wholly yours. The name of *Parliament* is sacred to me, and I am loth to scruple any of those actions, which receive countenance & authority from that awfull body; Can you make proof that the party which remaines at *Westminster* have not the full authority of the two houses of *Parliament*, If you could make that clear, then the work were done?

Answ. I dare not take that task upon me; it is too invidious: but I shall offer these few things to your consideration. First, it would seriously be considered, whether the King, whose presence, as the head of that awfull body, gives life and motion to the acts and results thereof, do purposely absent himself to make their consultations frustrate and their meeting fruitlesse; or that he hath been driven from them by force and violence? Secondly, whether such considerable numbers of the *Lords* and *Commons*, as are now absent from the *Houses*, have left the Houses and the service, for no other reason then for compliance with the King, and to serve his ends (in hope of getting honours and preferments by him,) or on the motion made by the rascall multitude, to have the names of these given up, who Voted not with *Say*, and *Pym*,

Pym, and other the good Members of both houses? Thirdly, What mischief would ensue both to the Church of Christ, and the States of Christendom, If when the greater and founder part of Parliaments and Generall Councils shall be driven away, either by the threats and practices of the lesser, and the worse affected; the lesse and the worse affected part may have the reputation of the whole body, and their actions countenanced by the name thereof? Fourthly, whether it be not one of the greatest prejudices which the Protestants have against the Council of Trent, ^k that it was held in an unsafe place, which they could not come to without danger; and that the Prelates there assembled, were so prelimited by the Popes instructions, or awed with an Italian Guard which was set upon them, under pretence of safety to their persons, from affronts and injuries, that they had neither freedom to debate the points which were there propounded, nor liberty of suffrage to determine of them? Fifthly, whether the King calling the expelled party of the Lords and Commons to some other place, and summoning all the rest also to assemble there, may not with greater reason take unto themselves the name, the power, and reputation of a Parliament; then the remaining party now at Westminster, consisting seldome of above an hundred Commons, and sometimes not above three Lords, have challenged & usurped the name of the two Houses? Sixthly and lastly, —

^k Histor. Con.
Triden. Sleid.
& alii.

31. *Quest.* Hold, I must interrupt you there. The King by *Writ* appoynts his Parliament to be held at Westminster, and by a subsequent Act or Statute hath so bound himselfe, that he can neither dissolve nor adjourn it without their consent; How can he then remove it to another place, then that which was at first appoynted?

Ans. No doubt but he may do it with as good authority, as the two Houses, or either of them may adjourn to London, which you cannot choose but know hath been often done, since the beginning of this Session. For though they sit not there as Houses, but by turning the either of the Houses into a Committee of the whole house: yet this is but an Artifice to elude the *Writ*, and act their businesse in a place of more advantage. The change is

15. August.
Confess. l. 8.
c. 2.

m Val. Max.
l. 3. c. 7. n. 3.

only in the name, but the power the same. Witness those *Votes & Declarations* which they have passed and published in the said *Committee*, as binding and effectual to their ends & purposes, as any thing transacted in the severall *Houses*. Nor is the *place* so necessary and essentiall unto the being of *Parliament* but that the *major part* with the Kings consent, may change it if they thinke it profitable for the *common-wealth*. Otherwise we might say of *Parliaments*, as once *Victorinus* did of *Christians*, *Ergone parietes faciunt Christianum?* Is it the *place* and not the *persons* which do make a *Parliament*? Or grant we, that of common-courte the *Houses* cannot regularly be *adjourned* to another *place*, but the *adjournment* must be made in the *House* it selfe; yet this is but a *circumstance*, or at most a *ceremony*, not of the *substance* of the worke. And if that speech of *Cesar* carrieth any weight, (as all wise men conceive it doth) *Legē necessitati cedere oportere*^m, that even the *strichest Lawes* must yield to the *necessities* and uses of the *Common-wealth*: no question but so slight a *circumstance*, as that of *place* must needs be thought in the present businesse, is to give way unto the peace and preservation of this wretched Kingdome.

32. *Quest.* These points I shall consider of as you have advised; onely at present I shall tell you, that I am very well resolved of the *unlawfulnesse* of this *warre* against his Majesty, and thinke them guilty of *rebellion*, who either laid the plot thereof, or have since pursued it. Tell me now for the close of all, what punishment the *Lawes* do inflict on those who are *convicted* of so capitall and abhorred a crime?

Ans. You cannot be so ignorant of the *Lawes* of *England*, as not to know, That a *convicted Rebelle* is condemned to be hanged, drawn, and quartered, his belly to be ripped up, & his bowels to be taken out, whilst he is yet living, his head and limbes to be advanced on some eminent places, for a terrible example unto others, his blood attainted, his estate confiscate, his possessions forfeited. The *Civill Lawes* go somewhat further, and execute them after death in their *Coates of Armes*, which are to be defaced and razed, in what place soever they are found. *Rebellium arma & Insignia delenda sunt, ubicunque inveniuntur*^a, as *Barto-*

a Bartochinus
in Repertorio
juris.

arma

*I*us hath it. I end as I began with the Book of *Homilies*; "Turne
 "over and reade the Histories of all Nations, look over the *Chro-*
 "nicles of our own Countrey, call to minde so many *Rebellions*
 "of old time, and some yet fresh in memory, yee shall not finde
 "that God ever prospered any *Rebellion* against the naturall and
 "lawfull *Prince*, but contrariwise, that the *Rebells* were over-
 "throwne and slain, and such as were taken prisoners dreadfully
 "executed. Consider the great and noble Houses of *Dukes*,
 "Marquesses, Earles, and other *Lords*, whose names yee shall
 "reade in our *Chronicles*, now cleane extinguished and gone,
 "and seek out the causes of the decay, you shall finde that not
 "lacke of issue and heires-male hath so much wrought that de-
 "cay, and waste of noble blouds and houses, as hath *Rebellion*.

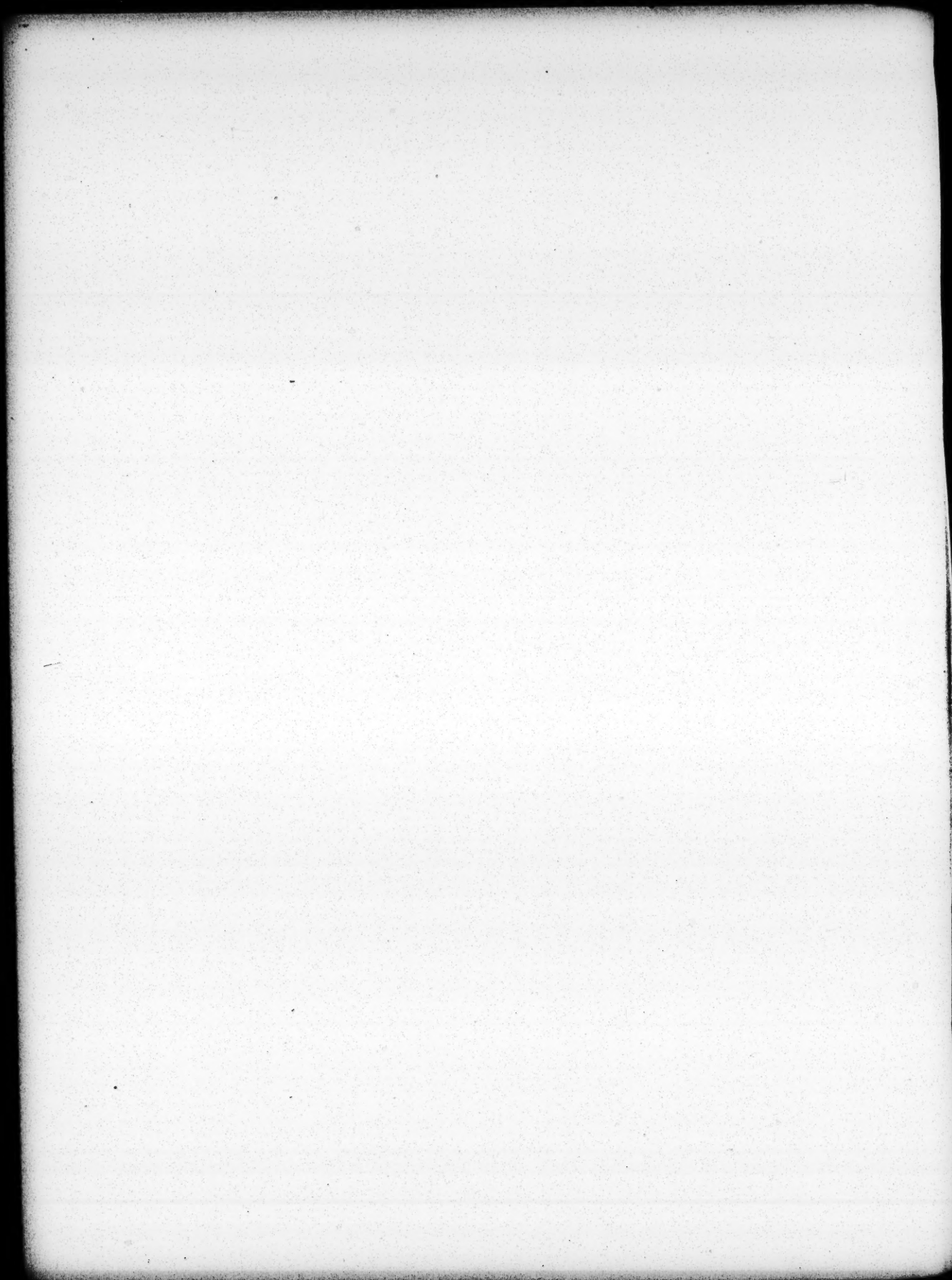
1 Sam. 26. 9.

*Who can stretch forth his hand against the Lords Anointed, and be
 guiltlesse?*

Prov. 24. 21, 22.

*My son, feare thou the Lord and the King, and meddle not with
 them that are given to change, for their calamity shall rise sud-
 denly, and who knoweth the ruine of them both?*

FINIS.



*EC65.H5164.643rb

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